

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
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September 30, 2005

Section 5 Submission

Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 655:17-b, a STATUTE related to the declaration of intent by Presidential and Vice-Presidential Candidates, established by Laws of 1985 Chapter 121.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973(c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 655:17-b, a STATUTE related to the declaration of intent by Presidential and Vice-Presidential Candidates, established by Laws of 1985 Chapter 121.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 121 (1985) enacting RSA 655:17-b is attached (Exhibit 655:17-b A).
- b) Chapter 121 (1985) enacting RSA 655:17-b is a new section of law, therefore there is no prior law that is being changed.
- c) The enactment of RSA 655:17-b established a declaration of intent form specific to the offices of President and Vice-President to be

completed by persons who intend to gain ballot access through petition.

- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 121 (Exhibit 655:17-b A). The bill became law on July 19, 1985.

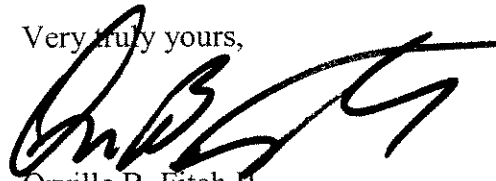
- i) Adoption dates:
  - 1. Chapter 121 (1985) adopted May 20, 1985
- j) Effective dates:
  - 1. Chapter 121 (1985) effective July 19, 1985
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for this law is to provide a specific declaration of intent form for persons intending to run for President or Vice-President by submitting petitions to gain access to the ballot.
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. 1973(c). They are expected to have neutral impact and do not meet the test of

retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups...to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).

- o) None known.
- p) RSA 655:17-b was never precleared. This submission seeks preclearance of Chapter 121 (1985).
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 655:17-b B is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



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CHAPTER 121

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## CHAPTER 121 (HB 72)

AN ACT RELATIVE TO THE SUBMISSION AND CERTIFICATION OF NOMINATION PAPERS AND THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**121:1 Changing Filing Period for Declaration of Candidacy.**

Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 as amended by striking out in line 7 the words "third Wednesday in June" and inserting in place thereof the following (Friday of the following week) so that said paragraph as amended shall read as follows:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

**121:2 Certain Presidential Candidates; Filing Declaration of Intent.** Amend RSA 655:14-a (supp) as inserted by 1981, 531:2 by striking out said section and inserting in place thereof the following:

**655:14-a Filing by Other Candidates.** Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the appropriate official as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

**121:3 Filing Declaration of Intent by Certain Presidential Candidates.** Amend RSA 655 by inserting after section 17-a the following new section:

**655:17-b Declaration of Intent; Presidential and Vice-Presidential Candidates Who File Nomination Papers.**

I. Declarations of intent for each candidate for president and vice-president who seeks nomination by nomination papers shall be in the form provided in paragraph II. Declarations of intent required by this section shall be filed with the secretary of state, signed by the candidate, and notarized by a notary public.

II. I, \_\_\_\_\_, declare that I am domiciled in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and am a qualified voter therein; that I intend to be a candidate for the office of \_\_\_\_\_ to be chosen at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

**121:4 Filing Fee for Declarations of Intent.** Amend RSA 655:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**655:19 Filing Fees.** Unless he chooses to submit primary petitions as provided in RSA 655:20, at the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the official with whom the same are filed the following fees: for governor and for United States senator, \$100; for representative in Congress, \$50; for councilor, \$25; for state senator, \$10; for county officer, \$5; for state representative, \$2. Those candidates filing declaration of intent shall pay the same fee. Candidates for delegate to the state convention shall not be required to pay a fee. The fees paid to a town or city clerk shall be forwarded to the treasurer of the town or city and shall be the property of the town or city for its use.

**121:5 Filing Fee for Certain Presidential Candidates.** Amend RSA 655 by inserting after section 19 the following new section:

**655:19-a Filing Fee for Presidential Candidates Who File Nomination Papers.** At the time of filing declarations of intent, each candidate for president who seeks nomination by nomination papers shall pay to the secretary of state a single fee of \$250 for himself and his vice-presidential candidate.

**121:6 Withdrawal of Certain Presidential and Vice-Presidential Candidates.** Amend RSA 655:30 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**655:30 Withdrawal.** When a party candidate has duly filed according to law for nomination at a primary election, or other candidate has submitted nomination papers, no withdrawal or declination of the candidate shall be accepted by the secretary of state subsequent to the last dates for filing a declaration of candidacy or the filing of nomination papers except as provided in RSA 655:31 and 655:34.

**121:7 Time for Submitting Nomination Papers for Certification.** Amend RSA 655:41 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**655:41 Certification.** Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

**121:8 Changes in Filing Deadline for Nomination Papers.** Amend RSA 655:43 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**655:43 Filing Deadline.**

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday 3 weeks before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and

355:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 355:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his name placed on the ballot unless he files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

III. No person who filed as a candidate in the state primary election shall be eligible to have his name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

**121:9 Effective Date.** This act shall take effect 60 days after its passage.

[Approved May 20, 1985.]

[Effective Date July 19, 1985.]

## CHAPTER 122 (HB 91)

### AN ACT RELATIVE TO COUNTING ABSENTEE BALLOTS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**122:1 Changing Time for Processing Absentee Ballots.** Amend RSA 659:49, I(b) (supp) as inserted by 1979, 436:1 by striking out in line 2 the time "3:00 p.m." and inserting in place thereof the following (11:00 a.m.) so that said subparagraph as amended shall read as follows:

(b) The time set for the commencement of processing absentee ballots shall not be earlier than 11:00 a.m. on election day; and

**122:2 Effective Date.** This act shall take effect 60 days after its passage.

[Approved May 20, 1985.]

[Effective Date July 19, 1985.]

## CHAPTER 123 (HB 94)

### AN ACT TO AUTHORIZE REGISTERED NURSES AND PHYSICIANS' ASSISTANTS TO WITHDRAW BLOOD FOR PURPOSES OF BLOOD ALCOHOL CONTENT TESTING AND PRESCRIBING ADMINISTRATIVE FORMS FOR EVIDENTIARY PURPOSES.

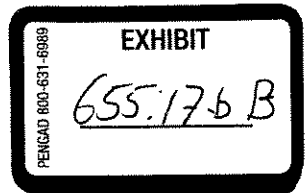
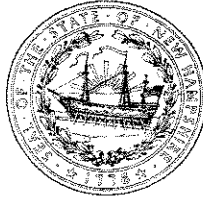
*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**123:1 Additional Persons Authorized; Alcohol Tests.** Amend RSA 265:85, I (supp) as inserted by 1981, 146:1 as amended by striking out said paragraph and inserting in place thereof the following:

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**News Release**

**RELEASED BY:** Attorney General Kelly A. Ayotte

**SUBJECT:** Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

**DATE:** June 10, 2005

**RELEASE TIME:** Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-8868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)